BILL NO. S-87-07-24

SPECIAL ORDINANCE NO. S-202-87

AN ORDINANCE approving Contract for Lime Sludge Disposal, Fort Wayne Water Pollution Control Plant, between Ad+Soil and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Contract for Lime Sludge Disposal, Fort Wayne Water Pollution Control Plant, by and between Ad+Soil and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety, for:

loading, hauling and land application of 30,000 tons of lime sludge generated by the Water Filtration Plant;

the Contract price is One Hundred Seventy-Seven Thousand and No/100 Dollars ($177,000.00), all as more particularly set forth in said Contract, which is on file in the Office of the Board of Public Works and Safety and, is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM
AND LEGALITY

Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Redd seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E.S.T.

DATE: 7-14-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8			1	
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA				✓	
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 7-28-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (SPECIAL) (~~ZONING~~ MAP) ORDINANCE ~~(RESOLUTION)~~ NO. S-202-87 on the 28th day of July, 19 87,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Thomas C. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of July, 19 87, at the hour of 11:00 o'clock A .M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of July, 19 87, at the hour of 11:00 o'clock A .M.,E.S.T.

WIN MOSES, JR., MAYOR

NOTICE OF AWARD

TO: AD+SOIL

1415 S. Clark Boulevard

Jeffersonville, IN 47130

PROJECT DESCRIPTION Lime Sludge Disposal

The OWNER has considered the BID submitted by you for the above-described WORK, in response to its advertisement for bids dated 5/15 & 5/22, 1987.

You are hereby notified that your BID has been accepted for items in the amount of thirty thousand (30,000) wet tons of lime sludge at $5.90 per ton.

You are required to furnish Contractor's Performance and Guaranty Bond, Payment Bond and Certificate of Insurance within ten (10) calendar days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said bonds within ten (10) days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 1st day of July, 1987.

OWNER
City of Fort Wayne

By

Title MAYOR

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by

Baron R. Biedenweg, Chairman
Board of Public Works & Safety

Title

cc: Filtration Plant
City Utilities Accounting
File

Memorandum

To HELEN GOCHENOUR, SECRETARY, BOARD OF WORKS Date JULY 2, 1987

From LARRY E. DEIBERT, WATER RESOURCES DIRECTOR, PLANT OPERATIONS

Subject SLUDGE BIDS

COPIES TO:

SLUDGE DISPOSAL BID TAB

FIRM	COST PER TON
AD + SOIL Jeffersonville, IN	$ 5.90
PRADCO Grand Rapids, OH	$ 5.99
BIO-GROW SYSTEMS Annapolis, mO	$ 7.80
SLUDGE MNGT. CORP. Washington, IM	$10.00
L & N CROP SPRAYING, INC. Manteno, IL	$10.75
SOIL BUILDERS Lynwood, IL	$11.30
ENVIROLAND INC. Dewitt, MI	no bid

Larry E. Deibert

Larry E. Deibert, Water Resources Director, Plant Operations

THREE RIVERS FILTRATION PLANT

Memorandum

To Helen Gochenour, Secretary, Board of Works Date 6/26/87

From Larry E. Deibert, Water Resources Director, Plant Operations

Subject Awarding of Sludge Disposal Bid

COPIES TO:

Having reviewed the information submitted and observing a successful spreading demonstration, I recommend the Board award this contract to the low bidder Ad+Soil. Ad+Soil was one of six (6) firms to submit bids June 3, 1987. Their low bid is $5.90 per ton.

Larry E. Deibert

Larry E. Deibert, Water Resources Director, Plant Operations

APPROVED Board of Public Works & Safety

1987 JUN 29 PM 4:25

AD+SOIL

June 2, 1987

City of Fort Wayne
Division of Public Works
Baron R. Biedenweg, Director
One Main Street
Fort Wayne, Indiana 46802

RE: Request for Bid Proposals
Land Application of Lime

Gentlemen:

AD+SOIL, Inc. will load, haul, and land apply not less than thirty thousand (30,000) wet tons of lime sludge for $5.90 per ton.

AD+SOIL, Inc. will conform, accept, and work under the provisions of the city's Indiana Permit No. LA000145. AD+SOIL, Inc., however, is not bound by the give away aspect of the program for the lime sludge it removes.

Form 96A of the Indiana Board of Accounts is enclosed. It has been modified, with permission, to include a separate Certified Public Accountant's Report in lieu of the city's financial request.

AD+SOIL, Inc.'s brochure of contracts and personnel is enclosed to allow the city to evaluate its capabilities. AD+SOIL will conform to all aspects of the bid request with the following exceptions:

Exception 1: Paragraph 3(a)1. AD+SOIL, Inc. will make every effort to remove the full tonnage prior to January, 1988. However, weather conditions must be considered as a possible delay in meeting the goal. AD+SOIL will continue through the winter until the contract is complete.

Exception 2: Paragraph 6(a), the last sentence. AD+SOIL, Inc. shall meet its thirty-day period twenty days after the contract is awarded, not after bid opening.

There are no other exceptions.

Very truly yours,

John P. Graham, Treasurer

* Talked to John Dorak on 6/4 regarding the statement . . . "not bound by the give away aspect of the program. . . . . "
Mr. Dorak indicated that AD+SOIL would not "give away" sludge. —TJB

AD+SOIL, INC.
P.O. BOX 427 CHEBANSE, IL 60922
815/697-2327

AD+SOIL, INC.
1151A POCOPSON RD. WEST CHESTER, PA 19382
215/793-3200

Communication from AD+SOIL of March 19, 1987. Price was $4.75/ton

AD+SOIL

June 26, 1987

Larry Diebert
City of Fort Wayne
Three Rivers Filtration Plant
1 Main St.
Fort Wayne, IN 46802

Dear Larry:

As you requested, this is the equipment list which Ad+Soil plans on using for the Fort Wayne Lime Utilization Program.

(2) Modified pull-type Knight Manure Spreaders (as seen on 6/24)
(2) farm tractors, +100 horse power
(1) front end loader for plant operations
(1) Bobcat-type skid loader for field operations
(2) locally contracted tandem dump trucks (13 yds) for small operations on roads with bridge limits & weight restrictions
(5) locally contracted semi-dump trucks for larger quantities (25 yd trailers) on main roads
(1) on-site office trailer
(2) operational pick-ups for fuel, maintainence & support of operations.

Be assured that Ad+Soil is a large company with many equipment resources. If the need arises, Ad+Soil will have equipment available from other projects or will purchase additional equipment to remove the 30,000 tons this year.

Sincerely,

Michael Scharp
Area Manager

MS/ksb

AD+SOIL INCORPORATED
P.O. BOX 427 CHEBANSE, IL 60922
815/697-2327

AD+SOIL INCORPORATED
1151A POCOPSON ROAD WEST CHESTER, PA 19382
215/793-3200

NON-COLLUSION AFFIDAVIT

STATE OF PENNSYLVANIA)

COUNTY OF CHESTER)

John P. Graham, being first duly sworn, deposes and says that he is Secretary/Treasurer (sole owner, partner, president, secretary, etc.) of AD+SOIL, Inc., the party making the foregoing bid; that such bid is not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation; that such bid is genuine and not collusive or sham; that said bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or any one else to put in a sham bid, or that any one shall refrain from bidding; that said bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with any one to fix the bid price of said bidder or of any other bidder, or to fix any overhead, profit or cost element of such bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract or any one interested in the proposed contract; that all statements contained in such bid are true; and, further, that said bidder has not, directly or indirectly, submitted his bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid and will not pay any fee in connection therewith to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, or to any other individual except to such person or persons as have a partnership or other financial interest with said bidder in his general business.

Signed: John P Graham Treas.

Secretary/Treasurer
Title

Subscribed and sworn to before me this 2nd day of June, 1987.

(SEAL) D. AUDREY McCOMSEY, Notary Public
West Chester, Chester County, Pa.
My Commission Expires July 17, 1989

D. Audrey McComsey
Notary Public

BOND NO. SBA-12229992

BID OR PROPOSAL BOND

KNOW ALL MEN BY THESE PRESENTS, that we Ad+Soil, Inc.

as PRINCIPAL, (hereinafter called the Principal), and Indiana Lumbermens Mutual Insurance Company, a corporation duly organized under the laws of Indiana and authorized to transact a general surety business in the State of Illinois, as SURETY, (hereinafter called the Surety), are held firmly bound unto:

City of Ft. Wayne, Indiana

as OBLIGEE, (hereinafter called the Obligee), in the sum equal to 5 % of the accompanying bid of the Principal, not, however, in excess of Fifteen thousand and no/100---------- dollars, ($ 15,000.00), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION IS SUCH, That, whereas the Principal has submitted or is about to submit to the Obligee a proposal or bid, dated on or about the date mentioned below, for: (1) the performance of the designated work, or (2) the furnishing of the specified goods, supplies or products, to-wit:

Ft. Wayne Water Filtration Plant Lime Sludge Disposal

NOW, THEREFORE, if the Principal shall not legally withdraw said bid within or at the times permitted therefor, but shall duly make and enter into a written contract with the Obligee, in accordance with the terms of said proposal or bid, or any amendment thereof acceptable to the Principal, within the time permitted therefor after such contract forms are presented to the Principal for execution, should the Obligee award the Principal the said work or contract, or any part thereof: and if the Principal shall give bond or bonds for the faithful performance thereof, and/or for payment for labor and materials going thereinto, as in the specifications or contracts provided: or if the Principal shall, in case of failure so to do, pay to the Obligee the damages which the Obligee shall have actually suffered by reason of such failure, not exceeding the penal sum of this bond, then this obligation shall be null and void, otherwise to be and remain in full force and virtue.

PROVIDED, HOWEVER, that no action shall lie, or claim be enforced hereunder, unless the award on the basis of said bid shall have been made within thirty (30) days after the formal opening of said bid, or within the time specified within the bid provisions, whichever time shall be greater, and unless the Obligee hereunder shall give notice to Surety of said award at the time of notification to the Principal; and unless legal action to enforce any claim hereunder shall have been commenced within six (6) months from the date of the formal opening of said bid.

PROVIDED, always, that this Bond shall not be valid and binding upon the Surety unless accompanied by a Certified Copy of a Power of Attorney authorizing the undersigned Attorney-in-Fact to execute such a bond, the Serial Number upon which Copy of Power of Attorney shall correspond with the Bond Number set out above.

Signed, sealed, and dated this 3rd day of June 19 87

Ad+Soil, Inc.

BY _____
Principal

Indiana Lumbermens Mutual Insurance Co.

BY _____
Steven Berz Attorney-in-Fact

STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, Francine Savitt, a Notary Public of Cook County, State of Illinois, do hereby certify that Steven Berz Attorney-in-Fact of Indiana Lumbermens Mutual Insurance Company, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed, sealed and delivered said instrument for and on behalf of Indiana Lumbermens Mutual Insurance Company for the uses and purposes therein set forth.

Given under my hand and notarial seal at my office at Lincolnwood, Illinois in said county, this 3rd day of June, 19 87, A.D.

My commission expires 4-20-88.

Francine Savitt
NOTARY PUBLIC

Indiana Lumbermens Mutual Insurance Company

POWER OF ATTORNEY

PRINCIPAL Ad+Soil, Inc. EFFECTIVE DATE June 3, 1987

1151 A Pocopson Road (STREET ADDRESS) West Chester, PA (CITY) 19382 (STATE) (ZIP CODE)

CONTRACT AMOUNT _____ AMOUNT OF BOND $ 15,000.00

POWER NO. SBA 12229992

KNOW ALL MEN BY THESE PRESENTS, that the Indiana Lumbermens Mutual Insurance Company, a Corporation duly organized and existing under the laws of the State of Indiana, with its principal office in the City of Indianapolis, Indiana, does hereby make, constitute and appoint Steven Berz State of Illinois

as its true and lawful Attorney(s)-in-Fact, with full power and authority herby conferred to sign, execute, acknowledge and deliver any and all Bonds and undertakings, recognizances, contracts of indemnity, and other writings obligatory in the nature thereof for and on its behalf as follows:

The obligation of the Company shall not exceed one million ($1,000,000.00) dollars.

And to bind the Corporation thereby as fully and to the same extent as if such Bonds and undertakings, recognizances, contract of indemnity, and other writings obligatory in the nature thereof were signed by the President, sealed and duly attested by the Secretary of the Corporation, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. This Power of Attorney is executed and may be revoked pursuant to and by authority granted by Article IV, Section 2-A (1) and (2) of the By-Laws of the Indiana Lumbermens Mutual Insurance Company, which reads as follows:

(1) The President or any Vice President shall have the power and authority, by and with the concurrence with the Secretary of the Corporation, to appoint Attorneys-in-Fact for purposes only of executing and attesting to Bonds and undertakings, recognizances, contracts of indemnity, and other writings obligatory in the nature thereof, and at any time to remove any such Attorney-in-Fact and to revoke the power and authority given to him.

(2) Attorneys-in-Fact when so appointed shall have power and authority, subject to the terms and limitations of the Powers of Attorney issued to them, to execute and deliver on behalf of the Corporation any and all Bonds and undertakings, recognizances, contracts of indemnity, and other writings obligatory in the nature thereof, and such instrument executed by any such Attorney-in-Fact shall be as binding upon the Corporation as if signed by an Executive Officer and sealed and attested by the Secretary.

IN WITNESS WHEREOF, the Indiana Lumbermens Mutual Insurance Company has caused these presents to be signed by its Vice President, attested by its Secretary and its Corporate Seal to be hereto affixed this FIRST day of OCTOBER 1986.

ATTEST:

By L.W. Rodney
Secretary

SEAL

Indiana Lumbermens Mutual Insurance Company

By _____
Vice President

STATE OF INDIANA
COUNTY OF MARION } SS:

On this FIRST day of OCTOBER 19 86, before me personally came the individual who executed the preceding instrument, to me known, who being by me duly sworn, acknowledged the execution of the above instrument and did depose and say; that he is the therein described and authorized officer of the Indiana Lumbermens Mutual Insurance Company; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation; and that he signed his name thereto by like order.

August 10, 1990
My Commission Expires

NOTARY PUBLIC SEAL INDIANA

Letty M. Nieten
Notary Public

STATE OF INDIANA
COUNTY OF MARION } SS:

I, the undersigned, Secretary of the Indiana Lumbermens Mutual Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Indiana Lumbermens Mutual Insurance Company, which is still in force and effect.

This Certificate may be signed and sealed by facsimile under and by the authority of the following resolution of the Board of Directors of Indiana Lumbermens Mutual Insurance Company at a meeting duly called and held on the 12th day of June 1973.

"RESOLVED: That the use of printed facsimile of the Corporate Seal of the Company and of the signature of the Secretary on any certification of the correctness of a copy of an instrument executed by the President or a Vice President pursuant to Article IV, Section 2-A (1) and (2) of the By-Laws appointing and authorizing Attorney-in-Fact to sign in the name and on behalf of the Company Bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, with like effect as if such seal and such signature had been manually affixed and made, hereby is authorized and approved."

In witness whereof, I have hereunto set my hand and affixed the seal of said Corporation, this 3rd day of June 19 87

(SEAL)

SEAL

L.W. Rodney
Secretary

Form 253

7600

Admn. Appr. _____

TITLE OF ORDINANCE Contract for Lime Sludge Disposal, Ft. Wayne Water Pollution Control Plant, Ad+Soil, Contractor

DEPARTMENT REQUESTING ORDINANCE Board of Public Works & Safety

SYNOPSIS OR ORDINANCE The Contract for Lime Sludge Disposal, Ft. Wayne Water Pollution Control Plant, consists of loading hauling and land application of 30,000 tons of lime sludge generated by the Water Filtration Plant. Ad+Soil is the Contractor.

S-87-07-24

EFFECT OF PASSAGE See above

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) $177,000.00

ASSIGNED TO COMMITTEE

BILL NO. S-87-07-24

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ approving Contract for Lime Sludge Disposal, Fort Wayne Water Pollution Control Plant, between Ad+Soil and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

YES		NO
Charles B. Redd	CHARLES B. REDD CHAIRMAN	
	PAUL M. BURNS VICE CHAIRMAN	
Thomas C. Henry	THOMAS C. HENRY	
	BEN A. EISBART	
Samuel J. Talarico	SAMUEL J. TALARICO	

CONCURRED IN 7-28-87

SANDRA E. KENNEDY
CITY CLERK